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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ORTIZ, BELIX M

ART UNIT PAPER NUMBER

2164

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,244

Applicant(s)

BYRNE, PETER

Examiner

Belix M. Ortiz

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Burke (U.S patent 6,185,663).

As to claims 1 and 12, Burke teaches a method of generating recoverable units in a database (see abstract and column 4, lines 26-28), the method comprising:

- partitioning the database into a first and a second unit (see figure 1);
- creating a primary catalog comprising metadata of logical elements of the units, the primary catalog referencing the units (see column 3, lines 52-63);
- creating multiple logs such that any one unit is associated with only one log (see column 2, lines 2-5; column 2, lines 14-16; and column 4, lines 17-22);
- creating two secondary catalogs, each secondary catalog corresponding to a respective unit and comprising metadata of physical elements for the respective unit (see figures 1, 3A, and 3B);
- linking the primary catalog to the secondary catalogs (see figure 1); and

maintaining the secondary catalogs such that the first unit is recoverable independently from the second unit (see column 2, lines 57-67 and column 4, lines 49-56).

As to claims 2, 8 and 13, Burke teaches wherein creating two secondary catalogs further comprises creating two secondary catalogs wherein each catalog includes a log stream corresponding to the respective unit (see figure 1, character 11, 12, and 16).

As to claims 3, 9 and 14, Burke teaches wherein linking further comprises linking the primary catalog to the secondary catalog such that a first unit is recoverable independently from the second unit while the second unit is being accessed (see figure 1; column 2, lines 57-67; and column 4, lines 49-56).

As to claims 4 and 15, Burke teaches wherein creating a primary catalog comprises creating a catalog which contains metadata for at least one of the database, tables, indexes, data types, constraints, stored procedures, triggers, and file groups (see figure 1; column 3, lines 52-63; and column 6, lines 60-61).

As to claims 5 and 16, Burke teaches wherein creating two secondary catalogs comprises creating catalogs which contain metadata for at least one of pages, files, B-Trees, heaps, and log data (see figure 1 and column 3, lines 55-61).

Art Unit: 2164

As to claims 6, 10-11, and 17, Burke teaches wherein maintaining comprises separately logging updates to the respective units in the respective secondary catalogs (see figure 1; column 2, lines 14-16; and column 3, lines 57-58).

As to claim 7, Burke teaches a system having a database (see abstract), the system comprising:

a processor having access to memory, the memory having instructions which, when executed (see column 1, lines 29-40 and claim 24), perform the method comprising:

partitioning the database into a first and a second unit (see figure 1);

creating a primary catalog comprising metadata of logical elements of the units, the primary catalog referencing the units (see column 3, lines 52-63);

creating multiple logs such that any one unit is associated with only one log (see column 2, lines 2-5; column 2, lines 14-16; and column 4, lines 17-22);

creating two secondary catalogs, each secondary catalog corresponding to a respective unit and comprising metadata of physical elements for the respective unit (see figures 1, 3A, and 3B);

linking the primary catalog to the secondary catalogs (see figure 1); and maintaining the secondary catalogs such that the first unit is recoverable independently from the second unit (see column 2, lines 57-67 and column 4, lines 49-56).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on Monday-Friday 9am-5pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bmo

November 21, 2005.


CHARLES RONES
SUPERVISORY PATENT EXAMINER